

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the matter of
Graybill Metal Polishing Inc.,
1245 East Florence Avenue
Los Angeles, California 90001
ID Number: CAD 981 450 760.

Graybill Metal Polishing Inc,
1245 East Florence Avenue
Los Angeles, California 90001

American Electro-Plating Co.
1245 East Florence Avenue
Los Angeles, California 90001

Steven Graybill
1245 East Florence Avenue
Los Angeles, California 90001

Johnathan Graybill
1245 East Florence Avenue
Los Angeles, California 90001

Van Bergen Family Trust
9514 Paramount Blvd
Downey, California 90240-3233

Respondents

Docket No. HWCA 20050992

ENFORCEMENT ORDER FOR
CORRECTIVE ACTION

Health and Safety Code Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (DTSC or Department) issues this Enforcement Order for Corrective Action (Order) to Respondents Graybill Metal Polishing, Inc., a California Corporation (Graybill Metal); American Electro-Plating Co., a California Corporation, Van Bergen Family Trust, a trust, Steven Graybill, an individual, and Jonathan Graybill, an individual. (Respondents).

1.2. Permitting Status. Respondents each own and/or operate the hazardous waste management facility located at 1245 East Florence Blvd., in Los Angeles, California (the "Graybill Facility"). The Graybill Facility engages in the generation and management of hazardous waste. On July 2, 2002, the Graybill Facility's owners or operators submitted a notification to the local Certified Unified Program Agency (CUPA) stating that the Graybill Facility was generating and treating hazardous waste spent caustic soap cleaner and spent acid, and that the Graybill Facility was eligible to treat this hazardous waste in accordance with the conditional authorization provision of section 25200.3 of the Health and Safety Code. On May 8, 2001, the owners or operators of the Graybill Facility notified DTSC that the Graybill Facility was treating cyanide-bearing wastes.

1.3. Jurisdiction. Jurisdiction exists pursuant to Health and Safety Code section 25187, which authorizes DTSC to issue an order to require corrective action when DTSC determines that there is, or has been, a release of hazardous waste or hazardous waste constituents to the environment from a hazardous waste facility.

1.4. Definition of Terms. The terms used in this Order are as defined in the California Code of Regulations, title 22, section 66260.10, except as otherwise provided.

1.5. Attachments. All attachments to this Order are incorporated herein by this reference.

FINDINGS OF FACT

2.1. On October 18, 2005, DTSC inspected the Graybill Facility and observed that hazardous wastes, or hazardous waste constituents, had been released onto the floor of the Graybill Facility, onto other horizontal surfaces at the Graybill Facility, and onto the ground outside the Graybill Facility. Prior inspections of the

Graybill Facility by DTSC and by the local CUPA also documented spills and/or releases of hazardous wastes or hazardous waste constituents.

2.2. Based on the October 2005 inspection, DTSC concludes that further investigation is needed to determine the nature and extent of contamination in multiple areas of the Graybill Facility, including, but not limited to, the plating and polishing rooms, the rear lot and storage area, and the exterior grounds.

2.3. Hazardous wastes or hazardous waste constituents have migrated, or may migrate, from the Graybill Facility into the environment through the following pathways: hazardous waste may have seeped through the floor into the ground, hazardous waste may have been dispersed through the air by wind action or human activity, and hazardous waste may have been carried offsite by rainwater.

2.4. The hazardous waste and hazardous waste constituents of concern at the Graybill Facility include, but are not limited to, the various hazardous waste streams generated in electroplating and metal polishing operations, including spent or spilled electroplating solutions containing high concentrations of dissolved metals and/or cyanide, spent or spilled corrosive metal stripping solutions containing dissolved metals, crystallized hazardous plating chemicals on the facility floor, waste rinse waters containing dissolved metals, and metal-bearing dusts from metal polishing operations. Various samples collected and analyzed by the Department suggest that the hazardous constituents of concern in these wastes are cyanide, chromium, lead, copper, nickel, and zinc.

2.5. The Graybill Facility is located at 1245 East Florence Ave in Los Angeles California.

2.6. The Graybill Facility borders East Florence Avenue to the South, private residences to the North, an apartment complex immediately to the Northeast, a convenience store parking lot directly to the East, and a neighboring business to the

West. Releases from the Graybill Facility may have migrated toward the surrounding neighboring residences and apartment complex, and into the parking lot of the neighboring convenience store. Releases may also have migrated into the soil underlying the Graybill Facility, and into groundwater below the Graybill Facility. In addition, waste was observed on the ground outside the Facility, and may have been carried into the nearest storm drain by rain water.

VIOLATIONS

2.7. The Department has determined that: Respondents violated California Code of Regulations, title 22, section 66265.31. Respondents' violations of this section includes 1) generating a buffing dust that is hazardous waste and dispersing that buffing dust throughout the building, and into the surrounding environment, and 2) discharging large amounts of hazardous wastes, including incompatible acidic and reactive cyanide-bearing wastes, onto the floor and grounds of the Graybill Facility.

CORRECTION OF VIOLATION

2.8. Respondent is ordered to immediately stop generating buffing dust, polishing dust or similar materials until Respondent has installed a bag house, or other equipment, approved by the Department, and capable of collecting and containing all polishing and buffing dust for proper disposal. Respondent may not resume generating waste buffing or polishing dust until it has demonstrated to the Department's satisfaction that Respondent has installed appropriate collection equipment, and that the collection equipment is functioning properly or demonstrated to the Department's satisfaction that the polishing or buffing dust to be generated will not be a hazardous waste.

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WORK TO BE PERFORMED

ON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED THAT:

3.1. Respondent shall perform the work required by this Order in a manner consistent with the Health and Safety Code, other applicable state and federal laws and their implementing regulations; and applicable DTSC or the United States Environmental Protection Agency (U.S. EPA) guidance documents. Applicable guidance documents include, but are not limited to, the "RCRA Facility Investigation (RFI) Guidance" (Interim Final, May 1989, EPA 530/SW-89-031) and "Test Methods For Evaluating Solid Waste" (SW-846).

3.2. Interim Measures (IM).

3.2.1. Respondent shall evaluate available data and assess the need for interim measures in addition to those specifically required by this Order. Interim measures shall be used whenever possible to control or abate immediate threats to human health and/or the environment, and to prevent and/or minimize the spread of contaminants while long-term corrective action alternatives are being evaluated.

3.2.2. Within 30 days of the effective date of this Order, Respondent shall submit to DTSC a Workplan for the implementation of Interim Measures ("IM Workplan"). The IM Workplan is subject to approval by DTSC and shall provide for the performance of all Interim Measures necessary to achieve stabilization at the Graybill Facility. The IM Workplan shall include a schedule for submitting to DTSC an IM Operation and Maintenance Plan and IM Plans and Specifications. The IM Workplan, IM Operation and Maintenance Plan, and IM Plans and Specifications shall be developed in a manner consistent with the Scope of Work for Interim Measures Implementation appended as Attachment 1.

3.2.3. The following interim measures shall be included in the IM Workplan: Respondent shall hire an Environmental Consultant with the qualifications

specified in Paragraph 4.4, and Respondent shall remove all wood planks comprising the boardwalk in the plating process area that are contaminated with hazardous materials, and all accumulated powders and solids from all horizontal surfaces at the Graybill Facility, including, but not limited to, the floor in the plating and buffing areas, and all pieces of equipment in the facility. The IM Workplan shall provide detailed instructions for, and Respondent shall follow these instructions for, managing the wood planks and the accumulated powders and solids as hazardous waste, unless Respondent demonstrates to the Department's satisfaction that specific materials to be removed are not hazardous.

3.2.4. In the event Respondent identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous waste constituents, or discovers new solid waste management units not previously identified, Respondent shall notify the DTSC Project Coordinator orally within 48 hours of discovery, and shall provide written notification to DTSC within 3 days of discovery summarizing the findings, including the immediacy and magnitude of the potential threat to human health and/or the environment. Within 30 days of receiving DTSC's written request, Respondent shall submit to DTSC amendments to the IM Workplan. The IM Workplan amendments shall include a schedule for submitting to DTSC revisions to the IM Operation and Maintenance Plan and IM Plans and Specifications, compliant with the Scope of Work for Interim Measures Implementation. If DTSC determines that immediate action is required, the DTSC Project Coordinator may authorize the Respondent, in writing, to act prior to DTSC's receipt of the IM Workplan amendments

3.2.5. If DTSC identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous waste constituents, or discovers new solid waste management units not previously

identified, DTSC will notify Respondent in writing. Within 30 days of receiving DTSC's written notification, Respondent shall submit to DTSC for approval amendments to the IM Workplan that identifies Interim Measures that will mitigate the threat. The IM Workplan amendments shall include a schedule for submitting to DTSC revisions to the IM Operation and Maintenance Plan and IM Plans and Specifications, compliant with the Scope of Work for Interim Measures Implementation. If DTSC determines that immediate action is required, the DTSC Project Coordinator may authorize the Respondent, in writing, to act prior to DTSC's receipt of the IM Workplan amendments.

3.2.6. All IM Workplans shall ensure that the Interim Measures are designed to mitigate current or potential threats to human health and/or the environment, and should, to the extent practicable, be consistent with the objectives of, and contribute to the performance of, any remedy which may be required at the Graybill Facility.

3.2.7. Concurrent with the submission of an IM Workplan, Respondent shall submit to DTSC a Health and Safety Plan in accordance with the Scope of Work for a Health and Safety Plan, Attachment 2

3.2.8. Concurrent with the submission of an IM Workplan, Respondent shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment 3. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Graybill Facility, DTSC may require Respondent to prepare a Public Participation Plan.

3.3. RCRA Facility Investigation (RFI).

3.3.1. Within 60 days of the effective date of this Order, Respondent shall submit to DTSC a Current Conditions Report and a Workplan for a RCRA Facility Investigation ("RFI Workplan"). The Current Conditions Report and RFI Workplan are subject to approval by DTSC, and shall be developed in a manner consistent with the

Scope of Work for a RCRA Facility Investigation contained in Attachment 4. DTSC will review the Current Conditions Report and RFI Workplan, and notify Respondent in writing regarding DTSC's approval or disapproval of the Conditions Report and RFI Workplan.

3.3.2. The RFI Workplan shall detail the methodology to: (1) gather data needed to make decisions on interim measures/ stabilization during the early phases of the RFI Investigation; (2) identify and characterize all sources of contamination; (3) define the nature, degree and extent of contamination; (4) define the rate of movement and direction of contamination flow; (5) characterize the potential pathways of contaminant migration; (6) identify actual or potential human and/or ecological receptors; and (7) support development of alternatives from which a corrective measure will be selected by DTSC. A specific schedule for implementation of all activities shall be included in the RFI Workplan.

3.3.3. Respondent shall submit an RFI Report to DTSC for approval in accordance with the DTSC-approved RFI Workplan schedule. The RFI Report shall be developed in a manner consistent with the Scope of Work for a RCRA Facility Investigation contained in Attachment 4. DTSC will review the RFI Report(s) and notify Respondent in writing of DTSC's approval or disapproval.

3.3.4. Concurrent with the submission of an RFI Workplan, Respondent shall submit to DTSC a Health and Safety Plan in accordance with Attachment 2. If Workplans for both an IM and RFI are required by this Order, Respondent may submit a single Health and Safety Plan that addresses the combined IM and RFI activities.

3.3.5. Respondent shall submit an RFI Summary Fact Sheet to DTSC that summarizes the findings from all phases of the RFI. The RFI Summary Fact Sheet shall be submitted to DTSC in accordance with the schedule contained in the approved RFI Workplan. DTSC will review the RFI Summary Fact Sheet and notify Respondent in

writing of DTSC's approval or disapproval, including any comments and/or modifications. When DTSC approves the RFI Summary Fact Sheet, Respondent shall mail the approved RFI Summary Fact Sheet to all individuals on a Graybill Facility mailing list that complies with California Code of Regulations, title 22, section 66271.9(c)(1)(D), within 15 calendar days of receipt of written approval.

3.3.6. Concurrent with the submission of an RFI Workplan, Respondent shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment 3). Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Graybill Facility, DTSC may require Respondent to prepare a Public Participation Plan.

3.4. Corrective Measures Study (CMS).

3.4.1. Respondent shall prepare a Corrective Measures Study if contaminant concentrations exceed current health-based action levels and/or if DTSC determines that the contaminant releases pose a potential threat to human health and/or the environment.

3.4.2. Within 45 days of DTSC's approval of the RFI Report (or of Respondent's receipt of a written request from DTSC), Respondent shall submit a CMS Workplan to DTSC. The CMS Workplan is subject to approval by DTSC and shall be developed in a manner consistent with the Scope of Work for a Corrective Measures Study contained in Attachment 5.

3.4.3. The CMS Workplan shall detail the methodology for developing and evaluating potential corrective measures to remedy any contamination at the Graybill Facility. The CMS Workplan shall identify the potential corrective measures, including any innovative technologies that may be used for the containment, treatment, remediation, and/or disposal of contamination.

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3.4.4. Respondent shall prepare treatability studies for all potential corrective measures that involve treatment, except where Respondent can demonstrate to DTSC's satisfaction that they are not needed. The CMS Workplan shall include, at a minimum, a summary of the proposed treatability study including a conceptual design, a schedule for submitting a treatability study workplan, or Respondent's justification for not proposing a treatability study.

3.4.4. Respondent shall submit a CMS Report to DTSC for approval in accordance with DTSC-approved CMS Workplan schedule. The CMS Report shall be developed in a manner consistent with the Scope of Work for a Corrective Measures Study contained in Attachment 5. DTSC will review the CMS Report and notify Respondent in writing of DTSC's approval or disapproval of the Report.

3.5. Remedy Selection.

3.5.1. DTSC will provide the public with an opportunity to review and comment on the final draft of the CMS Report, DTSC's proposed corrective measures for the Graybill Facility, and DTSC's justification for selection of such corrective measures.

3.5.2. Following the public comment period, DTSC may select final corrective measures or require Respondent to revise the CMS Report and/or perform additional corrective measures studies.

3.5.3. DTSC will notify Respondent of the final corrective measures selected by DTSC in the Final Decision and Response to Comments. The notification will include DTSC's reasons for selecting the corrective measures.

3.6. Corrective Measures Implementation (CMI).

3.6.1. Within 60 days of Respondent's receipt of notification of DTSC's selection of the corrective measures, Respondent shall submit to DTSC a Corrective Measures Implementation (CMI) Workplan. The CMI Workplan is subject to approval by

DTSC and shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment 6.

3.6.2. Concurrent with the submission of a CMI Workplan, Respondent shall submit to DTSC a Health and Safety Plan in accordance with Attachment 2.

3.6.3. Concurrent with the submission of a CMI Workplan, Respondent shall submit to DTSC a Community Profile for DTSC approval in accordance with Attachment 3. Based on the information provided in the Community Profile, if DTSC determines that there is a high level of community concern about the Graybill Facility, DTSC may require Respondent to prepare a Public Participation Plan.

3.6.4. The CMI program shall be designed to facilitate the design, construction, operation, maintenance, and monitoring of corrective measures at the Graybill Facility. In accordance with the schedule contained in the approved CMI Workplan, Respondent shall submit to DTSC the documents listed below. These documents shall be developed in a manner consistent with the Scope of Work for Corrective Measures Implementation contained in Attachment 6.

- Operation and Maintenance Plan
- Draft Plans and Specifications
- Final Plans and Specifications
- Construction Workplan
- Construction Completion Report
- Corrective Measures Completion Report

3.6.5. DTSC will review all required CMI documents and notify Respondent in writing of DTSC's approval or disapproval.

3.6.6. As directed by DTSC, within 90 days of DTSC's approval of all required CMI documents, Respondent shall establish a financial assurance mechanism for Corrective Measures Implementation. The financial assurance mechanisms may include any mechanism described in California Code of Regulations, title 22, section 66265.143(a), (b), (c), or (d). The mechanism shall be established to allow DTSC

access the funds to undertake Corrective Measures Implementation tasks if Respondent is unable or unwilling to undertake the required actions.

OTHER REQUIREMENTS AND PROVISIONS

4.1. Compliance Notification and Project Coordinator.

4.1.1. Within seven (7) days of the effective date of this Order, Respondent shall notify DTSC in writing of Respondent's intent to comply with the Order.

4.1.2. Within 14 days of the effective date of this Order, DTSC and Respondent shall each designate a Project Coordinator and shall notify each other in writing of the Project Coordinator selected. Each Project Coordinator shall be responsible for overseeing the implementation of this Order and for designating a person to act in his/her absence. All communications between Respondent and DTSC, and all documents, report approvals, and other correspondence concerning the activities performed pursuant to this Order shall be directed through the Project Coordinators. Each party may change its Project Coordinator with at least seven (7) days prior written notice.

4.2. Department Approval.

4.2.1. Respondent shall revise any workplan, report, specification, or schedule in accordance with DTSC's written comments. Respondent shall submit to DTSC any revised documents by the due date specified by DTSC. Revised submittals are subject to DTSC's approval or disapproval.

4.2.2. Upon receipt of DTSC's written approval, Respondent shall commence work and implement any approved workplan in accordance with the schedule and provisions contained therein.

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4.2.3. Any Department approved workplan, report, specification, or schedule required by this Order shall be deemed incorporated into this Order.

4.2.4. Verbal advice, suggestions, or comments given by DTSC representatives will not constitute an official approval or decision.

4.3. Submittals.

4.3.1. Beginning with the first full month following the effective date of this Order, Respondent shall provide DTSC with monthly progress reports of corrective action activities conducted pursuant to this Order. Progress reports are due on the tenth day of the following month. The progress reports shall conform to the Scope of Work for Progress Reports contained in Attachment 7. DTSC may adjust the frequency of progress reporting to be consistent with site-specific activities.

4.3.2. Any report or other document submitted by Respondent pursuant to this Order shall be signed and certified by the project coordinator, a responsible corporate officer, or a duly authorized representative.

4.3.3. The certification required above, shall be in the following form:

I certify that the information contained in or accompanying this submittal is true, accurate, and complete. As to those portions of this submittal for which I cannot personally verify the accuracy, I certify that this submittal and all attachments were prepared at my direction in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Signature: _____
Name: _____
Title: _____
Date: _____

4.3.4. Respondent shall provide two copies of all documents, including but not limited to, workplans, reports, and correspondence of 15 pages or longer.

Submittals specifically exempted from this copy requirement are all progress reports and correspondence of less than 15 pages, of which one copy is required.

4.3.5. Unless otherwise specified, all reports, correspondence, approvals, disapprovals, notices, or other submissions relating to this Order shall be in writing and shall be sent to the current Project Coordinators.

4.4. Proposed Contractor/Consultant.

All work performed pursuant to this Order shall be under the direction and supervision of a professional engineer or registered geologist, registered in California, with expertise in hazardous waste site cleanup. Respondent's contractor or consultant shall have the technical expertise sufficient to fulfill his or her responsibilities. Within 21 days of the effective date of this Order, Respondent shall notify the DTSC Project Coordinator in writing of the name, title, and qualifications of the professional engineer or registered geologist, and of any contractors or consultants and their personnel to be used in carrying out the requirements of this Order. DTSC may disapprove of Respondent's contractor and/or consultant.

4.5. Quality Assurance.

4.5.1. All sampling and analyses performed by Respondent under this Order shall follow applicable Department and U.S. EPA guidance for sampling and analysis. Workplans shall contain quality assurance/quality control and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the approved workplans must be approved by DTSC prior to implementation, must be documented, including reasons for the deviations, and must be reported in the applicable report (e.g., RFI Report).

4.5.2. The names, addresses, and telephone numbers of the California State certified analytical laboratories Respondent proposes to use must be specified in the applicable workplans.

4.5.3. All workplans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained, and that data are sufficient to support their intended uses.

4.5.4. Respondent shall monitor to ensure that high-quality data are obtained by its consultant or contract laboratories. Respondent shall ensure that laboratories used by Respondent for analysis perform such analysis according to the latest approved edition of "Test Methods for Evaluating Solid Waste, (SW-846)", or other methods deemed satisfactory to DTSC. If methods other than U.S. EPA methods are to be used, Respondent shall specify all such protocols in the applicable workplan (e.g., RFI Workplan). DTSC may reject any data that do not meet the requirements of the approved workplan, U.S. EPA analytical methods, or quality assurance/quality control procedures, and may require resampling and analysis.

4.5.5. Respondent shall ensure that the California State certified laboratories used by Respondent for analyses have a quality assurance/quality control program. DTSC may conduct a performance and quality assurance/quality control audit of the laboratories chosen by Respondent before, during, or after sample analyses. Upon request by DTSC, Respondent shall have its selected laboratory perform analyses of samples provided by DTSC to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or quality assurance/quality control procedures, resampling and reanalysis may be required.

4.6. Sampling and Data/Document Availability.

4.6.1. Respondent shall submit to DTSC, upon request, the results of all sampling and/or tests or other data generated by its employees, agents, consultants, or contractors pursuant to this Order.

4.6.2. Notwithstanding any other provisions of this Order, DTSC retains all of its information gathering and inspection authority and rights, including enforcement

actions related thereto, under the Health and Safety Code, and any other state or federal statutes or regulations.

4.6.3. Respondent shall notify DTSC in writing at least seven (7) days prior to beginning each separate phase of field work approved under any workplan required by this Order. If Respondent believes it must commence emergency field activities without delay, Respondent may seek emergency telephone authorization from the DTSC Project Coordinator or, if the Project Coordinator is unavailable, his/her Branch Chief, to commence such activities immediately.

4.6.4. At the request of DTSC, Respondent shall provide DTSC with, or allow DTSC or its authorized representative to take, split or duplicate samples of all samples collected by Respondent pursuant to this Order. Similarly, at the request of Respondent, DTSC shall allow Respondent or its authorized representative to take split or duplicate samples of all samples collected by DTSC under this Order.

4.7. Access.

4.7.1. Subject to the Graybill Facility's security and safety procedures, Respondent shall provide DTSC and its representatives access to the Graybill Facility, and any other property to which access is required for implementation of this Order, at all reasonable times, and shall permit such persons to inspect and copy all records, files, photographs, and documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Order, and that are within the possession or under the control of Respondent or its contractors or consultants.

4.7.2. To the extent that work being performed pursuant to this Order must be done beyond the Graybill Facility property boundary, Respondent shall use its best efforts to obtain from the present owners of such property access agreements necessary to complete work required by this Order within 30 days of approval of any workplan for which access is required. Best efforts as used in this paragraph shall

include, at a minimum, a letter by certified mail from the Respondent to the present owners of such property requesting an agreement to permit Respondent and DTSC and its authorized representatives access to such property, and offering the payment by Respondent of reasonable sums of money in consideration of granting access. Any such access agreement shall provide for access to DTSC and its representatives. Respondent shall provide DTSC's Project Coordinator with a copy of any access agreements. In the event that an agreement for access is not obtained within 30 days of approval of any workplan for which access is required, or of the date that the need for access becomes known to Respondent, Respondent shall notify DTSC in writing within 14 days thereafter regarding both the efforts undertaken to obtain access, and its failure to obtain such agreements. DTSC may, at its discretion, assist Respondent in obtaining access.

4.7.3. Nothing in this section limits or otherwise affects DTSC's right of access and entry pursuant to any applicable state or federal law or regulation.

4.7.4. Nothing in this Order shall be construed to limit or otherwise affect Respondent's liability and obligation to perform corrective action including corrective action beyond the Graybill Facility boundary.

4.8. Record Preservation.

4.8.1. Respondent shall retain, during the implementation of this Order and for a minimum of six (6) years thereafter, all data, records, and documents that relate in any way to the implementation of this Order, or to hazardous waste management and/or disposal at the Graybill Facility. Respondent shall notify DTSC in writing 90 days prior to the destruction of any such records, and shall provide DTSC with the opportunity to take possession of any such records.

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Such written notification shall reference the effective date, caption, and docket number of this Order and shall be addressed to:

Stephen W. Lavinger, Chief
Tiered Permitting Corrective Action Branch
Permitting and Corrective Action Division
Department of Toxic Substances Control
Southern California Region
5796 Corporate Avenue
Cypress, California 90630

A photocopy of the written notification shall be sent to:

Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

4.8.2. If Respondent retains or employs any agent, consultant, or contractor for the purpose of complying with the requirements of this Order, Respondent will require any such agents, consultants, or contractors to provide Respondent a copy of all documents produced pursuant to this Order.

4.8.3. All documents pertaining to this Order shall be stored in a central location at the Graybill Facility to afford ease of access by DTSC and its representatives.

4.9. Change in Ownership. No change in ownership or corporate or partnership status relating to the Graybill Facility shall in any way alter Respondent's responsibility under this Order. No conveyance of title, easement, or other interest in the Graybill Facility, or a portion of the Graybill Facility, shall affect Respondent's obligations under this Order. Unless DTSC agrees that such obligations may be transferred to a third party, Respondent shall be responsible for, and liable for, any failure to carry out all activities required of Respondent by the terms and conditions of this Order, regardless of

Respondent's use of employees, agents, contractors, or consultants to perform any such tasks.

4.10. Notice to Contractors and Successors. Respondent shall provide a copy of this Order to all contractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order, and shall condition all such contracts on compliance with the terms of this Order. Respondent shall give written notice of this Order to any successor in interest prior to transfer of ownership or operation of the Graybill Facility, and shall notify DTSC at least seven days prior to such transfer.

4.11. Compliance with Applicable Laws. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the applicable requirements of all local, state, and federal laws and regulations. Respondent shall obtain, or cause its representatives to obtain, all permits and approvals necessary under such laws and regulations.

4.12. Costs. Respondent is liable for all costs associated with the implementation of this Order, including all costs incurred by DTSC in overseeing the work required by this Order.

4.13. Endangerment during Implementation. In the event that DTSC determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people at the Graybill Facility, or in the surrounding area, or to the environment, DTSC may order Respondent to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by an Order to Stop Work under this section shall be extended for the term of the Order to Stop Work.

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4.14. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

4.15. Government Liabilities. The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in section 4.19 in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to the Order.

4.16. Additional Enforcement Actions. By issuance of this Order, DTSC does not waive the right to take further enforcement actions.

4.17. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Order are incorporated in this Order upon approval by DTSC.

4.18. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by DTSC or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.19. Parties Bound. This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.20. Compliance with Waste Discharge Requirements. Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

4.21. Submittal Summary. Below is a summary of the major reporting requirements contained in this Order. The summary is provided as a general guide and does not contain all requirements. Please refer to the specific language of this Order for all the requirements.

<u>Section</u>	<u>Action</u>	<u>Due Date</u>
3	Implement approved Workplans	In accordance with schedules contained in approved Workplans
4.1	Designate Project Coordinator and notify DTSC in writing	14 days from effective date of Order
3.2.3	Notify DTSC orally of potential threats to human health	48 hours after discovery
3.2.3	Notify DTSC in writing of potential threats to human health	10 days after discovery
3.2	Submit Interim Measures Workplan, Health and Safety Plan, and Public Involvement Plan	30 days from effective date of Order
3.3	Submit RFI Workplan, Current Conditions Report, Public Involvement Plan, and Health and Safety Plan	60 days from effective date of Order
3.4	Submit CMS Workplan	45 days after Department request
3.6	Submit CMI Workplan	60 days from receipt of notification of DTSC selection of a corrective measure
4.3	Submit first Progress Report	Beginning with first full month following the effective date of Order
4.3	Submit Progress Reports	Monthly
4.4	Notify DTSC in writing of contractors to carry out terms of Order	21 days from effective date of Order
4.6.3.	Notify DTSC of when field work starts	7 days before each phase of field work

PENALTIES

5. By issuing this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction and involving either the Respondent(s) or the Site, or to impose penalties for the violations set forth in this Order. The

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Department will seek administrative or civil penalties, for the violations set forth in this order, through a separate action, order, or agreement.

RIGHT TO A HEARING

6. You may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. **Immediately effective:** Paragraph 2.8 and all of Section 3 of the Order are effective immediately on the date of issuance indicated below. DTSC finds that existing conditions at the Graybill Facility may pose an imminent and substantial endangerment to the public health or safety or the environment in that analytical data for samples collected by DTSC show that large quantities of spilled hazardous, incompatible acidic and potentially reactive cyanide wastes have accumulated all over the floor of the facility, that there is a potential for the mixing of acids with the spilled cyanide wastes and the generating of extremely toxic hydrogen cyanide gas that could impact neighboring businesses and residences, that there are large quantities of spilled plating chemicals containing metals accumulated on the floor of the facility, chemicals which may be migrating into underlying soils, and that there are large quantities of hazardous waste buffing dust containing metals and cyanide accumulated on the floor of the facility, large quantities of which are being dispersed to the environment through open windows and doors.

Date of Issuance April 7, 2006

Original signed by Charles A. McLaughlin
Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Department of Toxic Substances Control

HWCA 20050992
ENFORCEMENT ORDER
FOR CORRECTIVE ACTION